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On 11 Feb. 2000

TOWNSEND and TOWNSEND and CREW LLP

By: Melinda Dogi

**PATENT**  
Attorney Docket No.: 18623-005091US  
Client Reference No.: EPI 0050.91US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Kubo et al.

Application No.: 09/017,524

Filed: February 3, 1998

For: HLA BINDING PEPTIDES AND  
THEIR USES

Examiner: M. DiBrino

Art Unit: 1644

**RESPONSE TO RESTRICTION  
REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This Amendment is submitted in response to the Office Action dated December 15, 1999, requiring an election of species. Enclosed herewith is a petition to extend time for response for one month from January 15, 2000, to February 15, 2000.

Applicants request entry of claims 6-73 previously submitted in a Preliminary Amendment filed on August 16 1999, which amendment is evidently not in the Examiner's file for the application and apparently not entered. Enclosed herewith is a copy of the Preliminary Amendment that was filed by fax in the present application on August 16, 1999. The Preliminary Amendment cancels claims 1-5 and replaces them with new claims 6-73. The attachment includes a copy of the CERTIFICATION OF FACSIMILE TRANSMISSION, signed by Mary Green, along with an Amendment Fee Transmittal Sheet submitted in triplicate with the fee authorization, all of which were also filed with the Preliminary Amendment by fax

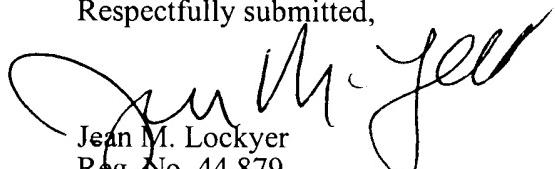
on August 16, 1999. The last page of the attached document is a copy of the Fax Transmission Report, which indicates that the fax was transmitted without a problem.

Applicants request consideration of the new claims 6-73 as set forth in the Preliminary Amendment, which claims are fully supported by the specification as identified in the Preliminary Amendment.

The instant species election is directed to the originally filed claims 1-5. It is submitted that, with entry of the Preliminary Amendment, the request for species election is rendered moot. As a formal matter, but with traverse, Applicants elect species VAGALVAFK (SEQ ID NO: 27). The new claims that read on this species are claims 68-70.

If the Examiner has any question regarding this response or the Preliminary Amendment filed August 16, 1999, please telephone the undersigned or Ellen Lauver Weber at 415-576-0200, or Timothy J. Lithgow at 858-860-2514.

Respectfully submitted,

  
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